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I. Philosophy and Scope

Frederick Community College (“FCC” or the “College”) is a public higher education institution that upholds and supports the highest ethical standards. Transparency and accountability are hallmarks of College operations and practices. The public is welcome and entitled to review information and documents related to the business of the College in accordance with the Maryland Public Information Act. The following are procedures to access public information from FCC.

II. Definitions for the Purpose of this Policy and Procedures

- A. **“Act”** refers to the Public Information Act, General Provisions (GP) Article, §§ 4-101 to 4-601, Annotated Code of Maryland.
- B. **“Applicant”** refers to a person or governmental unit that requests access to a public record.
- C. **“Custodian”** refers to the employee or department responsible for keeping the public record sought, whether or not the employee or department has physical custody and control of the public record.
- D. **“Public Information Officer (PIO)”** refers to the individual designated by the College President to receive and process requests for public information.
- E. **“Public record”** refers to the original or any copy of any documentary material that:
 - 1. is made by FCC or received by FCC in connection with the transaction of public business; and
 - 2. is in any form, including:
 - a. a card;
 - b. a computerized record;
 - c. correspondence;
 - d. a drawing;
 - e. film or microfilm;
 - f. a form;
 - g. a map;
 - h. a photograph or photostat;
 - i. a recording; or
 - j. a tape.
- F. **“Calendar day”** refers to any day of the week, including weekends and holidays.
- G. **“Workdays”** refers to Monday through Friday and does not include weekends, holidays, scheduled breaks, or other days the College is closed.

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- H. “**Indigent**” refers to an individual’s family household income is less than 50% of the median family income for the State as reported in the Federal Register.

III. Written Request

Requests for public records under the Act should be submitted in writing to the Public Information Officer (PIO) listed on the College website.

A written request must:

1. Contain the Applicant’s name and address;
2. Be signed by the Applicant; and
3. Reasonably identify, by brief description, the public record sought.

IV. Response to Request

- A. The Act does not require the College to provide information not contained in a public record or to create such a record if it does not exist at the time of the request.
- B. If the College grants a request for inspection, the PIO shall produce the public record for inspection:
1. Immediately, if readily available; or
 2. Within a reasonable time period, not to exceed 30 calendar days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.
- C. If the PIO reasonably believes that it will take more than 10 workdays to produce the public record, the PIO shall indicate in writing or by email within 10 workdays after receipt of the request:
1. The amount of time that the PIO anticipates it will take to produce the public record;
 2. An estimate of the range of fees that may be charged to comply with the request for public records; and
 3. The reason why it will take more than 10 workdays to produce the records.
- D. The College has 30 calendar days to make a decision whether to deny a request for inspection. If the College decides to deny a request for inspection:
1. The College will immediately notify the Applicant of the decision to deny the request; and
 2. The PIO shall provide the Applicant, at the time of the denial or within 10 workdays, a written statement that gives the reasons for the denial; the legal authority for the denial; and notice of the remedies available for review of the denial.

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3. Pursuant to GP § 4-355, the College may withhold a portion of any records that contain personal information concerning a student, former student, or applicant if the records are requested for commercial purposes. Personal information means an address, telephone number, email address, and directory information.
- E. With the consent of the Applicant, any time limit imposed by paragraphs A and C of this section may be extended for an additional period of up to 30 calendar days.
- F. If the College is not in custody or control of the public record requested, the PIO shall, within 10 workdays after receipt of the request, notify the Applicant:
 1. That the College does not have custody or control of the requested public record; and
 2. The possible location of the public record, if known.

V. Notice to Person Potentially Affected By Disclosure

Unless prohibited by law, the PIO may notify a person or persons who could be adversely affected by disclosure of a public record.

VI. Public Record Temporarily Unavailable

If a requested public record is in the custody and control of FCC, but is not immediately available for inspection or copying, the PIO shall promptly:

- A. Notify the Applicant that the public record is not immediately available; and
- B. Schedule a date within a reasonable time for inspection or copying.

VII. Public Record Destroyed or Lost

If the PIO knows that a requested public record of the College has been destroyed or lost, the PIO shall promptly:

- A. Notify the Applicant that the public record is not available; and
- B. Explain the reasons why the public record cannot be produced.

VIII. Disclosure Against Public Interest

A. Denial Pending Court Order

1. If, in the opinion of the PIO, disclosure of a public record otherwise subject to disclosure under the Act would do substantial injury to the public interest, the PIO may temporarily deny the request. The PIO must then seek a court order allowing nondisclosure.
2. The temporary denial shall be in writing.

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B. Circuit Court Review

1. Within 10 workdays after the denial, the College shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.
2. Notice of the complaint of the College shall be served on the Applicant in the manner provided for service of process by the Maryland Rules of Civil Procedure.

IX. Fees

A. The fee schedule for copying and certifying copies of public records of FCC is as follows:

1. Copies

- a. The fee for each copy made by a photocopying or scanning machine is 25 cents per page. No charge will be made if the total fee for photocopying or scanning is \$10 or less.
- b. The fee for each copy made otherwise shall be based on the actual cost of reproduction.

2. **Certification of Copies.** If a person requests that a copy of a public record be certified as a true copy, an additional fee of \$1 per page (or if appropriate, per item) shall be charged.

B. If the PIO cannot copy a public record within FCC, the PIO shall make arrangements for the prompt reproduction of the record at public or private facilities outside FCC. The PIO shall arrange for payment by the Applicant in advance.

C. Before copying a public record of FCC, the PIO shall estimate the cost of reproduction and either:

1. Obtain the agreement of the Applicant to pay the cost; or
2. Require prepayment of the cost.

D. The College may not charge a search or preparation fee for the first two hours that an employee of FCC spends to respond to a request for public records.

E. The College may charge a reasonable fee for time that an employee of FCC spends:

1. To search for requested public records;
2. To review requested public records for potential disclosure; and
3. To prepare public records for inspection and copying.

This fee will be determined by multiplying the employee's salary, prorated to an hourly basis, by the actual time attributable to the search for, review of, and preparation of public records for inspection and copying.

F. Waiver or Reduction of Fee

The President may waive or reduce any fee set under this Policy and Procedures if the Applicant requests a waiver and it is determined that:

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1. The waiver or reduction is in the public interest; or
 2. The Applicant is indigent and files an affidavit verifying the facts that support a claim of indigency.
- G. If the Applicant requests that copies of a public record be mailed or delivered to the Applicant or to a third party, the College may charge the Applicant for the cost of postage or delivery.

X. Time and Place of Inspection

- A. An Applicant may inspect any public record of FCC that the Applicant is entitled to inspect during normal workdays.
- B. The inspection shall occur where the public record is located, unless the PIO, after taking into account the Applicant's expressed wish, determines that another place is more suitable and convenient.